

EXHIBIT 21
DATE 3.17.11
SB 117

BOARD OF COMMISSIONERS
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CASCADE COUNTY

March 7, 2011

Representative Gary MacLaren
Chairman, House Local Government Committee
Email: garymaclaren@yahoo.com
FAX: 406-444-4825

Dear Chairman MacLaren,

The Cascade County Commission wishes to go on record in opposition to SB 117, a bill requiring local governments to demand coordination from the federal government, providing a procedure for demanding coordination and providing a procedure for allowing any voter to serve local governments with written complaint upon failure to comply with requirements for public hearings (amendments to MCA 7-1-114, 7-1-2103 and 7-11-1021).

Federal law currently provides adequate direction on matters involving citizen and local government involvement in land management decisions; thus negating the need for additional state legislation. I will provide two clear examples of how federal planning statutes solicit citizen and local government input. First, the Federal Land Policy and Management Act of 1976 (FLPMA) requires federal land management agencies 1) to conduct systematic inventories of the resources under their jurisdictional management; 2) to prepare land use plans using the concept of multiple use and sustained yield; and 3) to manage public lands "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values..." Additionally, FLPMA specifies public involvement will provide "opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands...." Second, the National Forest Management Act of 1976 (NFMA) requires the Forest Service to prepare renewable resource assessments/inventories, prepare and periodically update management plans (commonly referred to as Forest Plans), and provide opportunity for public involvement. Decisions made in Forest Plans are to be in accordance with the National Environmental Policy Act of 1969 (NEPA). Under NFMA, National Forest system lands are to be managed to "provide for multiple use and sustained yield of the products and services ... and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness..." Additionally, the NFMA requires the Forest Service to provide for "public

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participation in the development, review, and revision of land management plans..." Other statutes involving historic preservation incorporate the same process.


The language in SB 117, demanding coordination and requiring procedures for public hearings and litigation, would place an undue financial and time-consuming burden on county government. Additionally under NFMA and FLPMA, as well as many other federal land management laws, counties already have the ability to provide verbal comment on land management decisions at federal agency public meetings and written comment as part of the federal agency's analysis process. There is also a concern that the legislation violates the Supremacy clause in the U.S. Constitution and could engender time consuming litigation on this issue.

There are 178,662 acres of the Lewis and Clark National Forest within Cascade County. We have a good working relationship with the leadership and staff of the Lewis and Clark National Forest. The county is presently collaborating with the Forest Service on the cleanup of several Superfund sites within the county and on abandonment of a county road used only to access the National Forest for recreation purposes. Our working relationship with our fellow federal agencies is very good. The proponents of SB 117 represent the opinion of very few county commissioners; this legislation would create unnecessary requirements that would only serve to create tension between local and federal officials and create an undue financial mandate that counties can ill afford.

Please vote NO on SB 117.

Sincerely,

BOARD OF COUNTY COMMISSIONERS,



Bill Salina, Chairman



Joe Briggs, Commissioner



Jane Weber, Commissioner

cc: Senator, John Sonju
Senator, Art Wittich
Senator, Shannon Augare
Senator, Ed Buttrey
Senator, Steve Gallus

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